

REMARKS

The last Office Action has been carefully considered.

It is noted that in the Office Action the Examiner indicated that the present application contained claims directed to the distinct features of the claimed invention namely the species shown in Figures 3, 6, 7, and 8.

The Examiner indicated that the single elected species had to be elected for further prosecution.

Also the Examiner's opinion currently no generic claims are provided.

In accordance with the Examiner's requirements applicants have elected for further prosecution the species of Figure 3. Claims 4, 7 and 8 define features shown in Figure 3.

Claims 1-3 and 6 are generic or in other words cover all figures/species. The reason for this is as follows:

Claim 1 comprises the following features (the reference numeral numerals are added for better understanding and easier association with the figures):

- a) A hand-held power tool formed as an impact drilling power tool.
- b) comprising a housing (10) and drive means (12, 14) which is drivingly supported in said housing (10),
- c) a mechanical striking mechanism (16, 18, 20, 22, 24, 26) for a striking operation of a tool (28) in a tool receptacle (30) and having a striker (32, 34, 36, 38, 40, 42),
- d) a drive unit through which said striker (32, 34, 36, 38, 40, 42) is drivable in its striking movement,
- e) said drive unit having at least one curved track (44, 46, 48, 50, 52, 54) with raised portions and depressed portions extending in an axial direction of the tool,
- f) a sensing unit (56, 58, 60, 62) which is in operative connection with said striker (32, 34, 36, 38, 40, 42),
- g) and at least one striking member (68, 70, 72, 76, 78) which is bringable in operative connection with said raised portions and depressed portions of said curved track (44, 46, 48, 50, 52, 54),

h) said striker (32, 34, 36, 38, 40, 42) being supported on said drive means (12, 14).

Regarding features a) and b) it is clear that all figures shown an impact drilling power tool comprising a housing 10 and drive means 12, 14 which is drivingly supported on said housing 10. The drive means 12 is shown in figures 2, 3, 7, 8, 9 and 10. The drive means 14 is shown in figure 6.

The mechanical striking mechanism 16, 18, 20, 22, 24, 26 for a striking operation of a tool 28 in a tool receptacle 30 according to feature c) is shown in all species too:

16: figures 2 and 3,

18: figure 6

20: figure 7

22: figure 8,

24: figure 9

26: figure 10.

The same is true for the striker:

32: figure 2 and 3,

34: figure 6,

36: figure 7,

38: figure 8,

40: figure 9

42: figure 10.

The drive unit according feature d) through which said striker is drivable in its striking movement has no reference numeral. But since the drive unit has a curved track 44, 46, 48, 50, 52, 54 (feature 3) which is shown in all species, it is clear that all species have a drive unit as well. The curved track with raised portions and depressed portions extending in an axial direction of the tool is shown in the following figures:

44, 46: figure 2, 3, 7, 8 and 9,

48, 50: figure 6,

52, 54: figure 10.

Feature f): The sensing unit 56, 58, 60, 62 which is in operative connection with said striker, can be seen in:

56: figure 2, 3 and 6,

58: figure 7 and 10,

60: figure 8,

62: figure 9.

Feature g): The at least one striking member 68, 70, 72, 74, 76, 78 which is bringable in operative connection with said raised portions and depressed portions of said curve track is shown at 68: figure 2, 3, 6 and 10,

70: figure 7,

72, 74: figure ,

76, 78: figure 9.

In all features the striker is supported on the drive means according to feature h).

Therefore claim 1 is generic to all figures/species.

Claim 2 adds two features to claim 1:

- i) the drive means is axially displaceably supported and
- j) it has a projection (64).

The displaceability is explicitly shown in figures 2, 3 and 6. It is clear from the description (page 16, 3rd paragraph), that this feature is comprised in all species.

The projection is shown in figures 2, 3, 6, 7, 8, 9 and 10.

Claim 3. The cup shaped sleeve with the curved track is explicitly shown in figures 2, 3 and 6. But as mentioned above it is clear from the description (page 16, 3rd paragraph), that this feature can be found in all species even in figure 10, where the cup has reference numeral 168. The projection within the cup is shown in all figures (figures 2, 3, 6, 7, 8, 9 and 10).

Claim 4. The "part" (110, 96, 98, 100, 102, 104) of claim 4 and its non rotatably connection with the shaft can easily be seen in figures 2, 3, 7, 8, 9 and 10.

Claim 6. The sensing members are explicitly shown in figures 2, 3 and 6. It is clear from the description (page 16, 3rd paragraph), that this feature is comprised in all species.

It is therefore believed to be clear that claims 1-4 and 6 should be considered as generic to all species disclosed.

It is respectfully submitted that claims 7 and 8 are readable on the elected species of Figure 3.

Claims 11 and 12 define features which can apply to all listed species. It is therefore respectfully requested to prosecute in this application claims 1-4, 6, 7-8, and 11-12.

In accordance with the duty of disclosure, the Examiner is informed that in the corresponding British application U.S. patent no. 6,199,640 was cited by the British patent office. In connection with this, claim 1, the broadest claim on file, has been amended to more clearly distinguish the present invention from this reference.

The above identified reference, and other prior art known to the applicant's does not disclose the striker mounted on the outside of the drive means as now defined in the amended claim 1.

Therefore it is respectfully submitted that claim 1 should be

considered as patentably distinguishing over the above discussed reference and should be allowed.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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